

Article - Education

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§11-401.

(a) (1) Before any institution of postsecondary education operating in this State discontinues academic or administrative operation, the institution shall file with the Commission the original or legible copies of all essential records of the academic achievements of all former students of the institution.

(2) In the case of an institutional closure that results in a merger, the Commission may approve a plan to file the essential records of all former students of the institution with the successor institution.

(3) The obligation of an institution under paragraph (1) of this subsection may not be discharged in bankruptcy.

(b) (1) The records shall present, as separate documents:

(i) The official academic transcript of each former student;

(ii) Any other academic information usually required by institutions of postsecondary education when considering students for transfer or advanced study; and

(iii) If requested by the Commission, the financial aid and financial account information of each former student.

(2) The records shall be accompanied by an affidavit as to the accuracy and completeness of the records on behalf of the institution's:

(i) Board of Trustees;

(ii) Bursar;

(iii) Chief administrative officer;

(iv) Chief executive officer;

(v) Chief financial officer; or

(vi) Registrar.

(c) The Commission shall maintain a permanent file of all records filed with it under this section.

(d) (1) If a student who attended an institution that closed in accordance with this title requests a copy of the student's official academic transcript from the Commission and the Commission determines that the requested transcript is missing, incomplete, or in a format inaccessible to the student, the Commission may issue a replacement transcript for the student based solely on the most recent information provided by the institution that the student attended.

(2) A replacement transcript issued in accordance with paragraph (1) of this subsection shall:

(i) Be signed by a designee of the Secretary of Higher Education;

(ii) Contain an explanation of the closure of the institution; and

(iii) Contain an explanation of the source of all information contained in the replacement transcript.

(e) (1) Except as provided in paragraph (2) of this subsection, a replacement transcript issued in accordance with this section shall be accepted as an official transcript by:

(i) Any institution of postsecondary education operating in the State; and

(ii) Any institution registered to provide a fully online distance education program in the State.

(2) For purposes of student transfer, an institution of postsecondary education or a fully online distance education program in the State may consider, instead of or in addition to a replacement transcript, an unofficial transcript or other transcript information provided by the student that the receiving institution or program deems relevant.

(f) (1) The Commission shall adopt regulations necessary to carry out the provisions of this section.

(2) The regulations adopted in accordance with this subsection shall include:

(i) A specification of the manner and format in which student records are to be filed with the Commission; and

(ii) A description of the circumstances under which an institution of postsecondary education or a fully online distance education program in the State may discontinue academic or administrative operation.

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